

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

DMITRIY SHIROKOV, on behalf of himself )  
and all others similarly situated, )

Plaintiff, )

v. )

Case: 1:10-cv-12043-GAO

DUNLAP, GRUBB & WEAVER PLLC; US )  
COPYRIGHT GROUP; THOMAS DUNLAP; )  
NICHOLAS KURTZ; GUARDALEY, LIMITED; )  
and ACHTE/NEUNTE BOLL KINO )  
BETEILIGUNGS GMBH & CO KG, )

Defendants. )

**MOTION PURSUANT TO FED. R. CIV. P. 6(b) FOR SECOND EXTENSION OF  
TIME TO FILE RESPONSE TO DEFENDANTS DUNLAP, GRUBB & WEAVER,  
PLLC, THOMAS DUNLAP, AND NICHOLAS KURTZ’S MOTION TO DISMISS  
AND MOTION FOR SANCTIONS, WITH SUPPORTING REASONS**

Plaintiff Dmitriy Shirokov (“Plaintiff”), on behalf of himself and all others similarly situated, by and through his undersigned attorneys, submits this Motion Pursuant to Fed. R. Civ. P. 6(b) for Second Extension of Time to File Response to Defendants Dunlap, Grubb & Weaver, PLLC, Thomas Dunlap, and Nicholas Kurtz’s Motion to Dismiss and Motion for Sanctions. In support of the motion, plaintiff states as follows.

**MEMORANDUM IN SUPPORT OF MOTION**

1. This case is a proposed class action brought by Plaintiff Dmitriy Shirokov (“Plaintiff”), on behalf of himself and others similarly situated (collectively, the “proposed Class”), against Dunlap, Grubb & Weaver, PLLC, Thomas Dunlap,

- Nicholas Kurtz (collectively, the “Moving Defendants”), US Copyright Group, Guardaley, Limited, and Achte/Neunte Boll Kino Beteiligungs Gmbh & Co KG (collectively, including the Moving Defendants, “Defendants”).
2. Plaintiff filed his Class Action Complaint and Jury Demand (“Complaint”) in this Court on November 24, 2010.
  3. On January 25, 2011 the Moving Defendants filed a Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (“Motion to Dismiss”) and a Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 (“Motion for Sanctions”) (collectively, “Defendants’ Motions”).
  4. On January 28, 2011 Plaintiff filed a Motion Pursuant to Fed. R. Civ. P. 6(b) for Extension of Time to File Response to Defendants Dunlap, Grubb & Weaver, PLLC, Thomas Dunlap, and Nicholas Kurtz’s Motion to Dismiss and Motion for Sanctions. This Court granted the motion on January 31, 2011, allowing Plaintiff to respond to Defendants’ Motions by February 24, 2011.
  5. Under Rule 6 of the Federal Rules of Civil Procedure, “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires....” Fed. R. Civ. P. 6(b)(1)(A).
  6. By the present motion, Plaintiff seeks a twelve-day extension of the deadline for responding to Defendants’ Motions, to and including March 8, 2011.
  7. This is the second extension of time that Plaintiff has sought in this matter.
  8. As grounds for such extension, Plaintiff states the following.

- a. The complexity of the issues involved in the matter, combined with the volume of citations relied on by the Moving Defendants (including over 100 cases in their Motion to Dismiss), requires extensive review and research.
- b. Plaintiff filed his First Amended Complaint on February 8, 2011. By separate motion filed with the Court today, Plaintiff seeks leave of Court to file a Second Amended Complaint.
- c. Plaintiff's responses to Defendants' Motions will be significantly affected by whether the Court grants leave to file the proposed Second Amended Complaint, which pleads multiple counts with greater clarity and detail. Certainty as to which pleading is operative will allow Plaintiff to respond to Defendants' Motions with greater efficiency and clarity. Responding to Defendants' Motions absent such certainty would likely lead to additional rounds of briefing that may otherwise be avoided.
- d. A modest 12-day extension, in addition to this Court's determination regarding Plaintiff's Second Amended Complaint, will allow Plaintiff sufficient time and clarity to file responses to Defendants' Motions.

### **CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests that this Motion Pursuant to Fed. R. Civ. P. 6(b) for Second Extension of Time to File Responses to Defendants Dunlap, Grubb & Weaver, PLLC, Thomas Dunlap, and Nicholas Kurtz's Motion to Dismiss and Motion for Sanctions be granted.

Dated: February 18, 2011

Respectfully submitted,

Dmitriy Shirokov

/s/ Daniel G. Booth

Daniel G. Booth (BBO# 672090)

BOOTH SWEET LLP

32R Essex Street, Suite 1

Cambridge, MA 02139

Telephone: (617) 250-8602

Facsimile: (617) 250-8883

*Counsel for Plaintiff and Proposed Class*

**CERTIFICATE PURSUANT TO LOCAL RULE 7.1**

The undersigned counsel hereby certifies that on Friday, February 18, 2011, I attempted to resolve or narrow the issues addressed in this motion by contacting Kara Thorvaldsen, counsel for Defendants Dunlap, Grubb & Weaver, PLLC, Thomas Dunlap, and Nicholas Kurtz, by electronic mail. I did not receive a response prior to filing the foregoing motion.

/s/ Daniel G. Booth

**CERTIFICATE OF SERVICE**

I hereby certify that on February 18, 2011, I electronically filed the foregoing Motion Pursuant to Fed. R. Civ. P. 6(b) for Second Extension of Time to File Responses to Defendants Dunlap, Grubb & Weaver, PLLC, Thomas Dunlap, and Nicholas Kurtz's Motion to Dismiss and Motion for Sanctions by using the ECF system.

I hereby certify that a true copy of the aforementioned documents will be served upon counsel of record for Defendants Dunlap, Grubb & Weaver, PLLC, Thomas Dunlap, and Nicholas Kurtz by Notice of Electronic Filing through the ECF system.

I further certify that true copies of the aforementioned documents will be served upon Defendants US Copyright Group, Guardaley, Limited, and Achte/Neunte Boll Kino Beteiligungs Gmbh & Co KG by mail sent on Tuesday, February 22, 2011.

/s/ Daniel G. Booth  
Daniel G. Booth (BBO# 672090)  
BOOTH SWEET LLP  
32R Essex Street, Suite 1A  
Cambridge, MA 02139  
Telephone: (617) 250-8602  
Facsimile: (617) 250-8883